



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Order 96-7-44

SERVED AUGUST 6, 1996

Issued by the Department of Transportation  
on the 31st day of July, 1996

Applications, Petitions, Motions:	
AERIAL TRANSIT COMPANY	Dockets 47937
AMERICAN AIRLINES, INC.	49561, 50275 50276
BRITISH AIRWAYS, PLC & USAIR, INC.	48640 Undocketed
BRITISH AIRWAYS, PLC & USAIR, INC.	49086 & Undocketed
BRITISH AIRWAYS, PLC & USAIR, INC.	48640, 49086, & Undocketed
CONTINENTAL AIRLINES, INC. & AIR MICRONESIA, INC.	44924
CONTINENTAL MICRONESIA, INC.	50236
NORTHWEST AIRLINES, INC.	49408 49599
TOWER AIR, INC.	46941
TRANS WORLD AIRLINES, INC.	49455
UNITED AIR LINES, INC.	49583, 49597 50244
UNITED AIR LINES, INC. & AIR CANADA	Undocketed

WORLD AIRWAYS, INC.

OST-95-679

for authority under 49 U.S.C. sections 41102 and  
40109 or regulations or orders of the Department

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### ORDER DISMISSING APPLICATIONS

The captioned carriers have applied or petitioned for various forms of authority or relief under 49 U.S.C. sections 41102 or 40109 or regulations or orders of the Department relating to the air transportation activities shown in the Appendix to this order. Each application or motion has been withdrawn, has otherwise become moot, or cannot be approved for the reasons set forth in the Appendix.

Accordingly, acting under authority assigned by the Department in its regulations, 14 CFR 385.13, we dismiss the applications and petitions shown in the Appendix to this order.

Persons entitled to petition for review of this order under the Department's regulations, 14 CFR 385.50, may file their petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Department of Transportation under expiration of the above period unless within such period a petition for Department review is filed or the Department gives notice that it will review this order on its own motion.

The filing of a petition for review with respect to one of the dismissed items will not alter the effectiveness of this order with respect to the others.

By:

**PAUL L. GRETCH**

Director

Office of International Aviation

(SEAL)

## APPENDIX

- 47937      Aerial Transit Company, filed January 27, 1993. Renewal of exemption to perform scheduled all-cargo service between Miami, Florida, on the one hand, and Port-au-Prince, Haiti, on the other, and to combine that service with its other authorized service throughout Central America and the Caribbean. Amerijet International, Inc. filed an answer. In October 1994, Aerial ceased operations and by Orders 95-10-40 and 95-11-46, the Department revoked Aerial Transit's certificates of public convenience and necessity. As the carrier is no longer conducting airline services, its application in Docket 47937 is moot, and we will dismiss it.
- 49561      American Airlines, Inc., filed May 17, 1994. Certificate of public convenience and necessity to provide foreign air transportation of persons, property, and mail between the coterminal points New York, Miami, and Dallas/Ft. Worth and the coterminal points Milan and Rome, Italy. Delta Air Lines, Inc. and United Air Lines, Inc. filed answers in opposition to American's application. Since the filing of the application, the Department conducted a proceeding to certificate a carrier for U.S.-Italy services. American did not file to consolidate this application into that proceeding. Currently, there are no available opportunities for U.S. carrier U.S.-Italy scheduled combination services. We will, therefore, dismiss this application without prejudice.
- 50275      American Airlines, Inc., filed April 10, 1995. Request for waiver of 14 § 201.5 or other appropriate relief to allow American immediately to begin advertising and sale of its Dallas/Ft. Worth-London/Heathrow nonstop services. Delta and Northwest filed answers in opposition to the application. The authority for American to operate the Dallas/Fort Worth-Heathrow service is not currently available under the U.S.-U.K. aviation agreement. Therefore, we will dismiss the application without prejudice.
- 50276      American Airlines, Inc., filed April 10, 1995. Request for waiver of 14 § 201.5 or other appropriate relief to allow American immediately to begin advertising and sale of its nonstop services to Osaka from Chicago, Dallas/Ft. Worth, Los Angeles and New York. Delta and Northwest filed in opposition to the request. The authority for American to operate nonstop services to Osaka from Chicago, Dallas/Ft. Worth, Los Angeles, and New York is not currently available under the U.S.-Japan bilateral aviation agreement. Therefore, we will dismiss the pre-sale application without prejudice.

- 48640 & British Airways, Plc and USAir, Inc. (undocketed), filed February 3, 1993.
- Undocketed On August 4, 1993, American Airlines, Inc. petitioned for suspension of code-sharing authority granted British Airways and USAir by Order 93-3-17, to the extent it authorized any services beyond Philadelphia, because American had not been granted slots to operate its Philadelphia-London (Heathrow) services. American was subsequently allocated the necessary slots but has since ceased service in the Philadelphia-London market. In these circumstances, we will dismiss the petition. A related procedural motion included with the petition is dismissed as moot.
- 49086 & British Airways, Plc and USAir, Inc. (undocketed), filed December 23, 1993. On November 29, 1993, USAir, Inc., filed a petition for reconsideration of Order 93-11-26 to the extent the order limited the approval of code-share services to a period ending January 11, 1994, and failed to approve the London-Philadelphia-Mexico City code share. The Department subsequently extended the subject code sharing authority and granted the London-Philadelphia-Mexico City code share through June 8, 1997. (See Orders 94-3-31 and 95-6-13.) The petition is, therefore, moot, and we will dismiss it.
- 48640,49086 & British Airways, Plc and USAir, Inc. (undocketed), filed December 14, 1993, and February 15, 1994. On April 6, 1994, American Airlines, Inc.,
- filed a petition for reconsideration of Order 94-3-31, which extended approval of British Airways/USAir code-share services for an additional one-year period. Subsequently, based on a June 1995 Memorandum of Consultations between the United States and the United Kingdom, the Department renewed the code sharing authority in question for two additional years, through June 8, 1997. (See Order 95-6-13.) American did not petition for reconsideration of that subsequent award. In these circumstances, we will dismiss American's April 1994 petition.
- 44924 Continental Airlines, Inc. and Air Micronesia, Inc., filed October 8, 1992.
- Renewal of an agreement between Continental Airlines, Inc. and Air Micronesia, Inc. relating to joint air services for performance of air service authorized by their certificates for Routes 170 and 171. The parties have since entered into a new arrangement under which there would no longer be a direct operational arrangement between Continental and Air Micronesia, (See Orders 94-9-20 and 92-11-46) and the renewal application is now moot. In these circumstances, we will dismiss the application.
- 50236 Continental Micronesia, Inc., filed March 24, 1995. Exemption for two

- years to provide scheduled foreign air transportation of property and mail between Guam, on the one hand, and points in Indonesia and Malaysia, on the other hand, via the Philippines. By letter dated November 28, 1995, counsel for Continental Micronesia informed the Department that Continental Micronesia is no longer pursuing this exemption application.
- 49408 Northwest Airlines, Inc., filed February 8, 1994. Exemption to provide scheduled services between points in the United States, on the one hand, and Rome and Milan, Italy, on the other hand, via Amsterdam, pursuant to a code-share agreement between Northwest and KLM Royal Dutch Airlines under which KLM would operate the aircraft on the Amsterdam- Rome/Milan segments. American, Continental, and United filed comments to Northwest's application. The requested rights are not available under the U.S.-Italy Aviation Agreement. In these circumstances, we will dismiss this application without prejudice.
- 49599 Northwest Airlines, Inc., filed June 7, 1994. Exemption to provide scheduled combination service between New York and Turin, Italy, via Amsterdam, pursuant to a code-share arrangement with KLM Royal Dutch Airlines, Inc., and related procedural motions. The requested rights are not available under the U.S.-Italy Aviation agreement. In these circumstances, we will dismiss the application without prejudice and the related motions as moot.
- 46941 Tower Air, Inc., filed May 18, 1990. Exemption to engage in scheduled foreign air transportation of passengers, property and mail between New York, New York, and Warsaw, Poland. Counsel for Tower has advised the Department that Tower is no longer pursuing this application. We will dismiss this application.
- 49455 Trans World Airlines, Inc., filed March 11, 1994 and amended May 31, 1994. Exemption to provide scheduled combination air service between New York and Turin, Italy on a daily one-stop basis via Zurich with no local traffic rights. American, Delta, United and the City of Turin filed comments to TWA's application. The authority requested was provided for under an extrabilateral arrangement proposed by Italy whereby the service authorized had to begin in 1995. Since TWA did not prosecute its application and the provisions of the extrabilateral arrangement have passed, we will dismiss the application without prejudice and all related motions as moot.
- 49583 United Air Lines, Inc., filed May 31, 1994. Exemption to place its UA designator code on Lufthansa's Frankfurt-Turin flights and authority to operate code-share services in conjunction with Lufthansa German Airlines between New York (JFK) and Turin, Italy, via Frankfurt,

Germany. The requested rights are not available under the U.S.-Italy Aviation Agreement. In these circumstances, we will dismiss this application without prejudice.

- 49597 United Air Lines, Inc., filed June 7, 1994. Exemption to serve Bari, Bologna, Catania, Florence, Genoa, Naples, Pisa, Venice and Verona, Italy and any additional authority needed to serve Rome and Milan from all points in the United States from which United and Lufthansa German Airlines are serving Frankfurt in order to offer code-share services between points in the United States and the above-listed points in Italy, via Frankfurt, Germany. Delta, American and United filed responsive pleadings. The requested rights are not available under the U.S.-Italy Aviation Agreement. In these circumstances, we will dismiss this application without prejudice and related motions as moot.
- 50244 United Air Lines, Inc., filed March 30, 1995. Request for waiver of 14 CFR §201.5 or other appropriate relief to allow United immediately to begin advertising and sale of its Chicago-London Heathrow nonstop services. Delta Air Lines, Northwest Airlines and Trans World Airlines filed answers in opposition. Pursuant to the June 1995 Memorandum of Consultations between the United States and the United Kingdom, United was authorized to serve the Chicago-London market, and United began those services in the fall of 1995. Therefore, the waiver request is now moot, and we will dismiss it.
- Undocketed United Air Lines, Inc. and Air Canada, filed November 5, 1992. Joint petition for reconsideration of Order 92-10-29 which denied a request of United and Air Canada to provide code-share service between Toronto and Houston/Dallas-Ft. Worth via Chicago. American Airlines filed in opposition to the petition. Since the petition was filed, the United States and Canada have signed a new aviation agreement that permits the code-sharing operations proposed. United and Air Canada have since been authorized to conduct code-sharing operations in the subject markets. The petition is therefore moot, and we will dismiss it.
- OST-95-679 World Airways, Inc., filed September 22, 1995. Amendment of its certificate of public convenience and necessity to authorize scheduled foreign air transportation of property and mail between the United States and Japan. Counsel for the applicant has notified the Department that the applicant will not prosecute the application. Therefore, we will dismiss it.